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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,934	09/21/2001	Satoko Segawa	1359.1054	2468

21171 7590 09/29/2005

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/956,934

Applicant(s)

SEGAWA ET AL.

Examiner

Stephen A. Holzen

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 8, 10 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9, 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

✓

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/27/2005 have been fully considered but they are not persuasive. Applicant has argued that Kirkevold et al merely discloses identifying information for vendors. The examiner disagrees. Kirkevold discloses a network where the shop management computer sends a request to a vendor database (owners) for replacement parts and current prices. (see col. 6, lines 45-65).
2. The applicant has further argued that Kuo does not disclose a buyer entering desired prices. The examiner asserts that the rejection is over Kirkevold alone, and that Kuo was cited to merely illustrate that haggling is a well-known means for getting a desired price. The examiner concludes then, that it would have been obvious to one having ordinary skill in the art to input a desired price since the buyer would want to receive the best possible price.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of Kirkevold et al (6,263,322) in view of Kuo (2002/0065734)

Kirkevold et al discloses a repair order system that operates over a network having a component information database (#32) and owner information database storing the identities of vendors that own replacement parts (Col. 6, lines 45-65), receiving repair requests (from the auto owners coming in for diagnostic and repairs), a repair component (brakes, shocks, engine), a component providing candidate selecting part (management database), a purchase component notifying part (see Col. 6, lines 50-61), a selling component information receiving part (Col. 6, lines 50-61), and a desired selling prices (Col. 6, line 50), a component provider selecting part capable of selecting a component provider from the selected component providing candidate based on the selling component information (Col. 6, lines 58-60), inherent in this reference that a repair fee input part presents the fee's to the requestor (see Flow chart of Figure 3). The only limitation Kirkevold et al does not disclose is where the repair requester inputs a "requested fee" and chooses a supplier of "requested parts" based on the "requested fee". However it is well known to allow a buyer to request any price and allow the seller to either match or dismiss said price (purchase agents are known means for searching and obtaining a desired price see US 2002/0065734 to Kuo; ¶0005 line 6 for instance). It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow a buyer to prevent price discrimination.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkevold et al (6,263,322) in view of Kuo (2002/0065734) as applied to claim 1 above, and further in view of Scheidt et al (5,654,902)

Art Unit: 3644

<sup>as modified,</sup>  
Kirkevold discloses every aspect of the applicant's invention except an evaluation value calculating part. Scheidt et al teaches that it is known to measure the life cycle of a component within a larger unit and further teaches that it is known to calculate the residual life of part, in order to reuse them or recycle them. (See Col. 1, lines 31-40, Col. 2, lines 14-19; Col. 3, lines 39-45; Col. 3, lines 65- Col. 4, line 7). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to measure and calculate the product life cycles as taught by Scheidt into the invention of Kirkevold for the purpose of reducing the costs of purchasing replacement parts.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah



TERI PHAM LUU  
SUPERVISORY  
PRIMARY EXAMINER